

COURT UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK  
SECURITIES AND EXCHANGE COMMISSION

Index No. 07 CIV 7960

Plaintiff(s)  
against  
Defendant(s)  
SMART ONLINE, INC. ET AL.,

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**  
SEE ATTACHED RIDER

STATE OF NEW YORK, COUNTY OF NEW YORK SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at ISLIP TERRACE, NEW YORK  
That on 10/4/07 at 6:50 P.M., at 53 JETMORE PLACE, MASSAPEQUA, NEW YORK  
deponent served the within summons, and complaint on ALAIN LUSTIG defendant therein named,  
SEE ATTACHED RIDER

INDIVIDUAL 1. ☒ by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION 2. ☐ a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON 3. ☐ by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.  
AFFIXING TO DOOR, ETC. 4. ☐ by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO RESIDENCE USE WITH 3 OR 4 5A. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO BUSINESS USE WITH 3 OR 4 5B. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION USE WITH 1, 2, OR 3 ☒ Male ☒ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.  
☐ Female ☐ Black Skin ☒ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.  
☐ Yellow Skin ☒ Blonde Hair ☐ Mustache ☒ 36-50 Yrs. ☐ 5'4"-5'8" ☐ 131-160 Lbs.  
☐ Brown Skin ☐ Gray Hair ☐ Beard ☐ 51-65 Yrs. ☒ 5'9"-6'0" ☒ 161-200 Lbs.  
☐ Red Skin ☐ Red Hair ☐ Glasses ☐ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.

Other identifying features:

USE IN NYC CIVIL CT. ☐ The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY SERVICE ☒ I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on

10/5/07

JOHN DICANIO  
Notary Public, State of New York  
No. 01DI497768  
Qualified in Westchester County  
Commission Expires Feb. 11, 2011

PRINT NAME BENEATH SIGNATURE  
ROBERT GULINELLO

License No. 743652

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SECURITIES AND EXCHANGE  
COMMISSION

CASE NO.  
07 CIV 7960

RIDER TO AFFIDAVIT  
OF SERVICE

-AGAINST-

SMART ONLINE, INC. ET AL.,  
-----X

LIST OF DOCUMENTS SERVED:

- SUMMONS IN A CIVIL ACTION
- COMPLAINT
- INDIVIDUAL PRACTICES OF JUDGE P. KEVIN CASTEL
- INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK
- 3<sup>RD</sup> AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL
- PROCEDURES FOR ELECTRONIC CASE FILING
- GUIDELINES FOR ELECTRONIC CASE FILING
- JUDGE CASTEL'S ORDER DATE SEPTEMBER 14, 2007

**JUDGE CASTEL**

AO 440 (Rev. 10/93) Summons in a Civil Action - SDNY WEB 4/99

# United States District Court

Southern

DISTRICT OF

New York

Securities and Exchange Commission

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

Smart Online, Inc., Dennis Michael Nouri, Reeza  
Eric Nouri, Anthony Martin, James Doolan, Ruben  
Serrano and Alain Lustig

TO: (Name and address of defendant)

Alain Lustig  
53 Jetmore Place  
Massapequa, New York 11758

07 CIV 7960

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Scott Black  
Securities and Exchange Commission  
3 World Financial Center, Room 4300  
New York, New York 10281

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK



(BY) DEPUTY CLERK

SEP 11 2007

DATE

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

**RETURN OF SERVICE**Service of the Summons and Complaint was made by me<sup>1</sup>

DATE

NAME OF SERVER (PRINT)

TITLE

*Check one box below to indicate appropriate method of service*

☐ Served personally upon the defendant. Place where served: \_\_\_\_\_

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_

☐ Returned unexecuted: \_\_\_\_\_

☐ Other (specify): \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL

SERVICES

TOTAL

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Server

\_\_\_\_\_  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.